



PG4114

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: **GARRILL, et al**  
Application No.: **09/599,274**  
Filed: **06/22/2000**

Group No.: **3728**  
Examiner: **FOSTER**  
Confirmation No. **7879**

For: **METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG**

Commissioner for Patents  
Washington, DC 20231

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM UNDER  
37 C.F.R 1.78(a)(3)**

**REQUEST**

1. This is a petition to accept an unintentionally delayed claim required by 35 U.S.C. 120 and paragraph (1) (2) for the benefit this 35 USC 371 application filed 9/24/2001. This missing reference is listed below but is included in an amendment as required under 37 C.F.R. §1.78(a)(2)(iii)

- - This application is a continuation-in-part application of copending U.S. Application No. 09/571,388 filed on May 15, 2000, now U.S. Patent No. 6,390,291, which is a continuation-in-part application of Serial No. 09/290,351 filed April 12, 1999, now U.S. Patent No. 6,179,118, the entire contents of both of which are incorporated by reference, which is a continuation-in-part application of U.S. Application No. 09/216,183 filed December 18, 1998, now U.S. Patent No. 6,119,853. - -

**PROMPTNESS OF THIS SUBMISSION**

This information is being submitted promptly after applicant has learned of the missing priority information on the basis of:

☒ Applicant's own procedures in monitoring the progress of this case.

**SUBMISSION**

2. Submitted herewith is:

☒ The reference required under 35 USC 120 and paragraph (a) (2) of this section to the prior filed application-(please see above). **This reference as required under 37 C.F.R. §1.78(a)(2)(iii) is also included in an amendment being filed concurrently herewith in the USPTO.**

☒ Please charge our deposit account, 07-1392 the required petition fee of \$1,240 in accordance with 37 C.F.R. 1.17(t). Also, please charge our account for all other required fees.

Adjustment date: 03/24/2003 CKHLOK  
01/22/2003 BABRAHA1 00000079 071392 09599274  
01 FC:1454 1300.00 CR

**STATEMENT**

3. In accordance with the requirement of 37 C.F.R. 1.78(a)(3), the entire delay between the date the priority claim was due under 37 C.F.R. 1.78(a)(2) and the date the claim was filed was unintentional.

01/22/2003 BABRAHA1 00000079 071392 09599274  
01 FC:1454 1300.00 CH

Robert J. SMITH, Registration Number 40,820  
Attorney of Record  
GlaxoSmithKline

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1 Date of Request: <u>3-22-03</u>		2 Serial/Patent # <u>09/599274</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
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<i>Pet unnecessary since app was filed prior to 11-29-00</i>											
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